IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3329 OF 2006

Bhagwan Master Chavan Applicant
versus
The State of Maharashtra Respondent

H.S.Venegavkar for applicant.
S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th September 2006

PC :

1. The applicant is arrested on 5th April 2006.

2. The FIR is lodged at Rahimatpur Police Station bearing No.16 of 2006 alleging offence punishable under section 307 of IPC..

3. The sister of the complainant is the wife of present applicant. It is alleged that on 4th April 2006 at a family function in the house, some relations have attended but the injured Shobha did not attend the same. After the complainant and her husband left the place at about 11.00 p.m. the injured raised a hue and

cry because the applicant's husband was assaulting her. The complainant and the relatives intervened in the quarrel. However, the applicant was agitated because of the fact that the victim was in habit of leaving the house and sitting with the neighbours' house for hours together. This again resulted in quarrel at early hours in the morning and it appears that the victim/injured was beaten by the applicant. She was in the injured state and was hospitalised. After treatment she was discharged.

4. Two applications preferred in the Trial Court have been rejected.

5. It may be that the applicant and the injured were married for fifteen years but ultimately she has given her statement that the assault took place. Shri Venegavkar states that this is the only incident and could be attributed to the fact that the injured was negligent in household duties. However, upon investigations being complete, charge sheet filed and the applicant having family to support which includes his old ailing parents so also the applicant undertaking to remain outside Satara District till trial is

concluded, the application deserves to be granted. Hence following order.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.16 of 2006 registered at Rahimatpur Police Station, Satara subject to furnishing a personal bond of Rs.5,000/- (Rs.Five thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall furnish his residential address where he proposes to reside after bail and during pendency of trial, to the Investigating Officer forthwith and shall not change his new residence without prior permission of the Investigating Officer;

(iii) The applicant shall report once in a week to the nearest Police Station from his new residence till conclusion of the Trial;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with prosecution evidence.

(v) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)